

**DECLARATION OF JAMES R. DICKENS
EXHIBITS L-W**

ACE

Daily Tour and Assignment Control

Date

3/14/02

- ☐ Review previous day's tour and list follow-up.
- ☐ Pull day file and list action necessary.

TOUR AND RECOVERY PLAN	ORDERS DUE	FREIGHT IN
IMMEDIATE ACTION:		

AREA	JOB TO BE COMPLETED
	- Hang more wearfirst pants
	- move camo pants to clearance racks.
	- Ymen's levis table & wall re-folded & sized. Fill from the back.
	- Tees on top of levis tables - re-folded
	- Ribbles on corner table re-folded
	- NO ORANGE tags on levis 501 wall.
	-
	- Hats recovered by brand/style.
	- Bring down Adidas hats from upstairs
	- Russell Sweets need to be recovered to planogram/top shelf - merchandise is to high.
	- Art recovered by brand/keep styles together.
	Take maple shelf upstairs. collections.
	- Clearance Hannels size with rings on rounders
	- Hang Arrow dress shirts from under table move to clearance rack. Ex. L, p. 1
	- Hang clearance shirts from all tables. move

Date 10/3/06
 Lynia Batchelor Barker, RDR
 3 pages
 Exhibit Witness

200142

AREA	JOB TO BE COMPLETED
	- Hang more wearfirst pants
	- Move camo pants to clearance racks.
	- Y men's levi's table & wear re-folded & sized. Fill from the back
	- Tees on top of levi's tables - re-folded
	- Ribbles on corner table re-folded
	- NO ORANGE tags on levi's 501 wear.
	-
	- Hats recovered by brand/style.
	- Bring down Adidas hat rack from upstairs
	- Russell Sweets need to be recovered to planogram / top shelf - merchandise is too high.
	- Out recovered by brand / keep styles together. Tailor make shelf upstairs. collections.
	-
	- Clearance flannels size with rings on rounders
	- Hang Arrow dress shirts from under table move to clearance rack.
	- Hang clearance shirts from all tables: move to clearance rounders
	- Arrow shirts on make divider / B & T together by style / color / Same for men's sizes.
	- missing facials by Froom.
	- men's tables - all Denim / Dockers - re-folded sized every night
	- Clearance signs / NO consistent - they all need to be set on the left of rack
	- Replace table sign holders with flat base

AREA

- Stack of Doreen left on top of table.
- Men's underwear recovered to 0020 every night.
NOT just face over
- Vacuum bases of T-frames.
- Add one more row for men's hats in men's dressing.
No merchandise on Floor.
- Dress shirts recovered to planogram/SCAN zeros/
Reg's Network.
- Set up bar on wall in men's

Initial

Initial

Ex. L, p. 3

200144

3/14/02 11:15

User F251403

Printer AALJ

REPLY 03/13/02 13:34:16 F251403

To: Myrna Johnson

F276177 - FMHOST

From: Jaime San Miguel

F251403 - FMHOST

Date: 03/13/02

Subject: Planogram

Reference: Your note of 03/12/02 23:39 attached below

ve Minerva or Julita complete this planogram TONIGHT, It's been a week,
n't wait any longer. I want it done tonight, have them make the upl a store
vel. All displays need to be sensor tag, with a scanning upl on the back
ottom left, top bar worked. I'm going to scan zeroes in the am.

time

----- ATTACHED NOTE -----

To: Jaime San Miguel

F251403 - FMHOST

From: Myrna Johnson

F276177 - FMHOST

Date: 03/12/02

Subject: Planogram

a ordered upl/labels for the baby furniture deck.

Exhibit 12 Date 1/23/06
Witness Myrna Johnson
Lynda Batchelor Barker, RDR
1 page

Ex. M, p. 1

200151

03/18/02 09:16

User F251403

Printer AA1K

NOTE 03/16/02 15:43:14 F251403

F276177 - FMHOST
F251403 - FMHOST

To: Myrna Johnson
From: Jaime San Miguel
Date: 03/16/02
Subject: Sunday items

these items have to be completed on sunday 03/17/07.

in all depts set by 7:00 am including outpost areas. All signing to standard
scan 100% by 9:00am/Ad audit turn in to Fred
ten executed/signed copy left on my desk
backroom clean and organized at closing time/All salvage done.
backstand ends set as per period planner.
merchandising notes executed in all dpts. Copy to section heads/Sign master copy
led in the book.
clearance execution/All racks to the back of dpts or aligned on a row from front
to back. All clearance racks sized with rings and price pointed. Execute RTW
clearance pricing (ov sent separatly).
all rms tables and sets recovered to planogram.
do not forget to ov me every night with a passdown log. I want detail.

thanks
time

- You forgot to ov the quest item to Steve and Joe Nichols.....Not good.....

Exhibit 13 Date 1/23/06 Ex. N, p. 1
Witness Myrna Johnson
Lynda Batchelor Barker, RDR
1 page
200148

/18/02 09:17

User F251403

Printer AA1K

NOTE 03/16/02 14:58:41 F251403

F276177 - FMHOST

F251403 - FMHOST

To: Myrna Johnson

From: Jaime San Miguel

Date: 03/16/02

Subject: F.U Notes

Please give me an update on the following items:

Read and Signs- Intersection Transfers/Return Policy
Employee Appraisals
Lockout/Tagout Training

Thanks
Time

Ex. 0, p. 1

Exhibit 14 Date 1/23/06
Witness Myrna Johnson 200149

Lynda Batchelor Barker, RDR

1 page

To: Myrna Johns

From: Jaime San Miguel

Date: 03/16/02

Subject: Planograms and Tours

F276177 - FMHOST

F251403 - FMHOST

Reference: Your note of 03/14/02 00:38 attached below

As of today 03/16/02, the Bfn planogram still not done 100%, as outlined on the tour dated 03/13/02. This is unacceptable!!!!!! The front endcap still not signed, backstock not worked, snugride callback not completed, kick & play / S 1st bouncer still out of place and no display set on top of the deck.....

You have till MONDAY 7:00am to complete this project. I will not accept anymore excuses on why isn't done.

Bfn Tour: Planograms gondola/deck/deck end/ done all upl up. All backstock worked including boards on container/top bars/stockroom. All displays set on the deck as per pogo. No bfn product left on ale stockroom/all have to go in to the container.

Thanks Jaime

ATTACHED NOTE

To: Jaime San Miguel

From: Myrna Johnson

Date: 03/14/02

F251403 - FMHOST

F276177 - FMHOST

Subject: planograms and tours

I finished the planogram for the baby furniture deck. I will check for back stock tomorrow. will straighten the other side tomorrow (shelf)

I hope that my recovery is up to standard this time.

Most of the tour for the night was done.

Thanks,
Myrna

Ex. P, p.1

Exhibit 15 Date 1/23/06
Witness Myrna Johnson

Lynda Batchelor Barker, RDR

1 page

300510

Employee Warning Notice

(Please Print)

LOC: 158PR SECTION: ACEJohnsonMyrnaEmployee Number: 276177

Last Name

First

Middle

You are hereby notified that your employment performance is unsatisfactory in the following respects. Improvement must be made for you to continue your employment with Fred Meyer, Inc.

1. State exactly where, when and what employee did or said to incur this notice. YES NO

Date(s) of infraction: 3/13 - 3/17, 19 2002 Prior verbal warnings? ☒ ☐

- Myrna didn't complete her work as directed by the mgr.

- ACE DOT Recovery is not getting done at night.

2. State exactly what performance is expected of the employee in the future and steps to be taken to improve or correct performance: Myrna is expected to complete all tasks assigned by the manager. All work done need to be turned to Fred Meyer standards. mgr to write Daily TOR for Myrna to complete, these turns need to be turned in every day for mgr review.

3. (a) Is the employee being suspended without pay for this infraction? (circle one) YES (NO)

(b) If YES - Give beginning date: _____ ending date: _____

State what form of discipline the employee may expect for failure to comply with this rule/standard in the future.

If Myrna doesn't show any improvement in the next 30 days, she'll be removed from her position as an ACE Asst Mgr.

5. State the employee's remarks after this notice was issued.

It is our sincere desire that your performance attain a satisfactory level so no further action will be necessary.

Employee's Signature (optional): _____

Manager's Signature: _____

Title: ACE Mgr

Witness: _____

Today's Date: 3/18/2002

INSTRUCTIONS: PLEASE READ AND FOLLOW CAREFULLY.

1. This four-part notice is to be used for recording all details of an employee's failure to comply with part(s) of company policies, procedures and/or standards.

2. All areas of this notice must be completed as fully as possible. Lacking such completion may compromise the validity of this warning notice.

3. Review the Employee Responsibilities Form (M-1399) with the employee and have him/her sign a new one and attach to the respective copies of this notice. DO NOT highlight, underline or mark beside any of the issues on the form. Marking on or altering the form may compromise its usefulness.

A. FIRST (white) copy to be sent immediately to Human Resources/NO HRD.

B. SECOND (yellow) copy to be kept with supervisor's files.

C. THIRD (pink) copy to be given to employee.

Exhibit

Date

1/23/06 300136

Witness

Myrna Johnson
Lynda Batchelor Barker, RDR

Ex. D.
p.1

1 page

ALASKA STATE COMMISSION FOR HUMAN RIGHTS

INTAKE QUESTIONNAIRE

Questionnaire sent by: Dm

on

3/2/02

PLEASE ANSWER ALL THE FOLLOWING QUESTIONS TELLING US BRIEFLY WHY YOU BELIEVE YOU HAVE BEEN DISCRIMINATED AGAINST. IF A QUESTION DOES NOT APPLY, ANSWER N/A. IF YOU ARE UNSURE INDICATE THAT YOU ARE UNSURE AND AN INVESTIGATOR WILL DISCUSS IT WITH YOU AT A LATER DATE. AFTER YOU HAVE COMPLETED THIS QUESTIONNAIRE AND RETURNED IT TO THE ASCHR OFFICE AN INVESTIGATOR WILL CONTACT YOU TO DISCUSS THE ANSWERS AND/OR TO SCHEDULE AN APPOINTMENT TO COMPLETE THE INTAKE PROCESS. RETURN THIS COMPLETED QUESTIONNAIRE TO: Alaska State Commission for Human Rights, 800 A Street, Suite 204, Anchorage AK 99501.

1. Name Myrna I Johnson Date of Birth [REDACTED]
 (first) (middle) (last)
 Social Security # [REDACTED] Race Asian
 (for ASCHR recordkeeping)
 Address 1662 2nd St Phone 907-364-3950 | 907-364-3950
 (day) (evening)
 City Douglas State AK Zip 99824

2. I BELIEVE I WAS DISCRIMINATED AGAINST BECAUSE OF MY: (Please check box that applies. On the line below the box checked, identify your race, sex, age, etc.)

☐ Race: ☐ Sex: ☐ National Origin: ☒ Age:
☐ Color: ☐ Marital Status: ☐ Physical Disability: ☐ Mental Disability:
☐ Pregnancy: ☒ Parenthood: ☐ Religion: ☐ Retaliation:
☐ Other: _____

3. I WAS DISCRIMINATED AGAINST IN:

☒ Employment ☐ Housing ☐ Public Accommodations ☐ Financial Institutions
☐ Practices by the State ☐ Other (Specify) _____

4. I WAS DISCRIMINATED AGAINST BY:

a) Name Fred Meyer Exhibit 21 Date 1/23/06
 (Company or Organization) Witness Myrna Johnson
Lynda Batchelor Barker, RDR
 (Individual) 3 pages
 Address 8181 Old Glacier Hwy
 City Juneau State AK Zip 99801 Phone 907-789-4500

b) FOR EMPLOYMENT COMPLAINTS ONLY: THE EMPLOYER EMPLOYS ☐ 1 - 14 ☐ 15 - 19

☐ 20 - 24 ☒ 25 or more ☐ Don't know, but estimate Ex. R.P.1

INTAKE QUESTIONNAIRE (page 2)

WHAT WAS THE DATE THE ALLEGED DISCRIMINATORY ACT (for example, not hired; terminated; evicted; denied government service) TOOK PLACE? 03/18/02

6. WHAT ACTION WAS TAKEN AGAINST YOU THAT YOU BELIEVE TO BE DISCRIMINATORY? WHAT HARM, IF ANY, WAS CAUSED TO YOU OR OTHERS AS A RESULT OF THAT ACTION? (If more space is required, use additional sheets).

I work for Ted Meyer since Dec 2, 1992. Last Feb 13 to March 12, 2002 I took a leave of absence/location to take care of my daughter.

When I came back to work March 12 I already felt the change of working condition. My manager wanted to write me up for not recovering the department right. If I will not improve my performance I will be removed from my position.

I feel that he was doing that so that I will
(please see attached)

7. HAVE YOU SOUGHT ASSISTANCE FROM ANY OTHER GOVERNMENTAL AGENCY WHICH HANDLES DISCRIMINATION COMPLAINTS OR FROM A PRIVATE ATTORNEY?

☒ No ☐ Yes (if answer is yes, complete below)

Name of source of assistance: _____ Date: _____

Result, if any: _____

8. PLEASE PROVIDE THE NAME OF AN INDIVIDUAL AT A DIFFERENT ADDRESS WHO IS IN THE LOCAL AREA AND WHO WOULD KNOW HOW TO REACH YOU.

Name Melinda Pascual Relationship: Daughter
Address 3376 Park Place Phone: 907-790-3014
City Guineau State AK Zip 99801
(home) (work)

9. I HAVE RECEIVED AND READ A COPY OF THE ASCHR INFORMATIONAL HANDOUT ENTITLED "WHAT YOU SHOULD KNOW ABOUT FILING A COMPLAINT OF DISCRIMINATION."

Signature Margaret Johnson Date: 03/30/02

ASCHR USE ONLY

Reviewed by: STH Date: 4/8/02

Investigator assigned: EMC Date: "

Comments: _____

EX. R, P. 2

300504

quit my job and he can hire a younger employee to replace me.

I have the ff. reasons why I believe this:

1. No employee had been written up for this reasons in our dept.
2. He changed my scheduled hours so that he can blame me for the problems-
3. He showed me pictures of bad recoveries & he said that mine was a little bit better but he did not write up those employees
4. He was holding me responsible for all the undone work while he was out dining w/ employees that supposed to be at work
5. He wanted me to finish a project for one night while the same project was given to 2 person & was not done for a week.
6. He always mentioned to me my family problem using it as an excuse for him to blame me for things that went wrong.
7. There were a lot more instances that I can mention to prove my allegations.

ALE_WEEKLY WORK SCHEDULE

W/E: 03-23-2002

ALE	STAT MIN HRS	PRO	3-17 SUNDAY	3-18 MONDAY	3-19 TUESDAY	3-20 WEDNESDAY	3-21 THURSDAY	3-22 FRIDAY	3-23 SATURDAY	HOURS TOTAL	3-24 SUNDAY
San, Jaime E 251403	FT 45 Sal		OFF	8:00 AM 6:00 PM	8:00 AM 6:00 PM	8:00 AM 6:00 PM	8:00 AM 6:00 PM	8:00 AM 6:00 PM	8:00 AM 6:00 PM	54.00	OFF
Johnson, Myrna I 276177	FT 45 Sal		1:30 PM 11:30 PM	1:30 PM 11:30 PM	1:30 PM 11:30 PM	OFF	OFF	1:30 PM 11:30 PM	10 OFF 8	36.00	7 OFF 5
Fontenot, Charina P 520516			OFF	OFF	10 OFF 8	1:30 OFF 11:30	1:30 OFF 11:30	10 OFF 8	7 OFF 5		9 OFF 7
Furber, Jeffrey W 691140			OFF	OFF	OFF	OFF	OFF	OFF	OFF		OFF
Lim, Julita M 174227	PT 20		12:00 PM 9:00 PM	6:15 PM 11:15 PM	6:15 PM 11:15 PM	6:15 PM 11:15 PM	OFF	OFF	2 6:15 PM 11:15 PM	28.00	12:00 PM 9:00 PM 2 11:15 PM
SECTION HEADS											
Catli, Sixta S 583531	FT 40		5:00 AM 2:00 PM	7:00 AM 4:00 PM	7:00 AM 4:00 PM	9 OFF 6	OFF	10:00 AM 7:00 PM	8:00 AM 5:00 PM	40.00	5:00 AM 2:00 PM
k, Colleen H 793554			OFF	OFF	OFF	OFF	OFF	OFF	OFF		OFF
Dexter, Sara A 350047	FT 40		6:00 AM 3:00 PM	8:00 AM 5:00 PM	9:00 AM 6:00 PM	OFF	OFF	8:45 AM 3:45 PM	7:00 AM 4:00 PM	40.00	6:00 AM 3:00 PM
ch, Monica C 108514	FT 40		6:00 AM 3:00 PM	6:00 AM 3:00 PM	6:00 AM 3:00 PM	6:00 AM 3:00 PM	6:00 AM 3:00 PM	OFF	OFF	40.00	6:00 AM 3:00 PM
Cox, Rhonda C 857857	PT 20		5:00 AM 2:00 PM	5:00 AM 1:30 PM	7:00 AM 4:00 PM	8:00 AM 5:00 PM	8:00 AM 5:00 PM	OFF	OFF	40.00	5:00 AM 2:00 PM
UBTOTAL HOURS			49.00	55.00	55.00	30.00	25.00	34.00	30.00	278.00	40.00

Exhibit 25 Date 1/23/06 Ex. S,
 Witness Myrna JOHNSON P.1
 Lynda Batchelor Barker, RDR
 1 page

PLEASE Positions Available Wednesday, March 20, 2002 Page 3
POST Positions Close Wednesday, March 27, 2002

POS: PEM Assistant Manager
Full-time Hourly
LOC: Peninsula
QUAL: Current PEM Relief Assistant Manager or above; strong
people skills.
CONTACT: Send resume and letter of interest via OfficeVision or,
intersection mail to DTS 04004/RDS.

POS: Apparel Assistant Manager
Full-time Salaried
LOC: Longview
QUAL: Current Apparel Relief Assistant Manager or above; strong
people skills.
CONTACT: Send resume and letter of interest via OfficeVision or
intersection mail to KMC 04004/RDS.

POS: Apparel Assistant Manager
Full-time Salaried
LOC: Juneau
QUAL: Current Apparel Relief Assistant Manager or above; strong
people skills.
CONTACT: Send resume and letter of interest via OfficeVision or
intersection mail to Jaime San Miguel 00158/ALE. CC: Fred
Sayre 00158/DIR and DXA 04007/RDS.

POS: Food Assistant Manager
Full-time Salaried
LOC: Covington
QUAL: Current Food Relief Assistant Manager or above; strong
people skills.
CONTACT: Send resume and letter of interest via OfficeVision or
intersection mail to Eric Georgia 00053/FOD. CC: RBT
04008/RDS and BHT 04008/RDS.

Exhibit
Witness

37
Lynda Batchelor Barker, RDR

Date

1/24/06

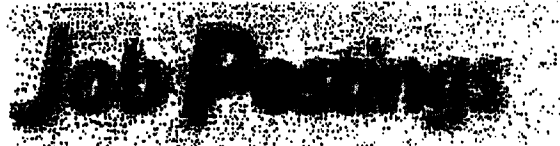
200087

10 pages

Ex. T, p. 1

Inquire about employment opportunities, contact the KSP/HRA in the store of interest or Human Resources.

mitted on 03/19 at 02:14 PM



Position Available 03/20/2002 through 03/27/2002.

Position: Apparel Assistant Manager
(Full-time Salaried)

Location: Juneau (AK)

Primary Purpose: To assist in the management of the department, maximize all financial opportunities, and assume the management responsibilities in the absence of the manager.

Essential Functions: Coordinate and organize merchandising of the department floor; sell products to Customers, teach / demonstrate selling skills; ensure compliance with freight receiving and freight stocking standards.

Qualifications: Current Apparel Relief Assistant Manager or above; BA/BS degree in Business or related field plus a minimum of 6 months Fred Meyer experience, 2-3 years related retail experience, or the equivalent combination of education and experience.

Online Job Description: <http://fminfo/hrweb/job/store/store-apparel/aie99102.pdf>

Contact: Send resume and letter of interest via OfficeVision or intersection mail to Jaime San Miguel 00158/ALE. CC: Fred Sayre 00158/DIR and Dennis Affleck (DXA) 04007/RDS.

This posting will be automatically removed on 03/27/2002.

Ex. T, p. 2

200088

Fred Meyer Stores

Job Description

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Job Title:	ALE Assistant Manager
Reports To:	ALE Manager
Group:	Store Operations
Division:	ALE
Department:	ALE
Section:	N/A
Location:	Store
Job Number:	ALE99102
Job Type:	301736
Full-time/Part-time:	Full-time
FLSA Status:	Salaried
Level of Supervision:	Limited
Work Pace:	Incentive-based, and based on Customer flow
Internal Cust. Contact:	Regular
External Cust. Contact:	Regular
Creation/Revision Date:	February 1997

Summary

The primary purpose(s) of this position is to:

- Assist in the management of the department, maximize all financial opportunities, and assume the management responsibilities in the absence of the manager

Frequent independent judgments are essential. Fred Meyer also requires that all employees perform all tasks in a safe manner consistent with corporate policies and state and federal laws.

Essential Duties & Responsibilities

Essential duties and responsibilities include the following. Other duties may be assigned:

- Provides Customer service

[ALE Assistant Manager] - [ALE99102] - Page 1

Note: This document is subject to change. Please refer to the on-line document for the most current job description information.

Ex. T, p.3

- Reacts with urgency to changing sales opportunities
- Ensures compliance with divisional signing standards
- Ensures compliance with divisional recovery standards
- Coordinates and organizes merchandising of the department floor
- Implements and audits ads
- Ensures compliance with planograms
- Coordinates the implementation of weekly Merchandise Specialists Notes, Off-Shelf Merchandising Notes, and Period Planners to complete merchandising assignments
- Assists in preparing the seasonal critiques
- Identifies current market trends
- Maintains an awareness of the competitor=s activities in the specific market area
- Ensures implementation of visual merchandising standards
- Ensures compliance with the divisional folding/hanging standards
- Ensures compliance with the standards for fixtures usage and maintenance
- Ensures compliance to the stockroom standards
- Ensures the accuracy and follows up on price changes
- Maintains and audits the in-store Price Change Control Log
- Ensures compliance with the ticketing standards
- Authorizes any manager discretion markdowns
- Audits and takes appropriate action on scan audits
- Audits and takes appropriate action on alpha code documents and in-store Price Change Recap
- Audits and takes appropriate action on Report Code 10, Report Code 20, and the ECR Override Report
- Audits and takes appropriate action on missing markdown and markdown exception reports
- Audits and takes appropriate action on file maintenance exceptions
- Demonstrates, recognizes, and ensures compliance with the Q and SAM actions
- Ensures compliance with the corporate dress code policy
- Sells products to Customers; teaches/demonstrates selling skills
- Performs cashier functions, when required
- Participates in mandatory training programs
- Processes mail; maintains department books
- Audits cashier proficiency and related reports
- Ensures compliance with labor agreements, when applicable
- Maintains an awareness of overstock/understock conditions to ensure ordering system integrity
- Ensures compliance with freight receiving and freight stocking standards
- Completes daily tours
- Adjusts the schedule/15 minute charts
- Records daily sales

[ALE Assistant Manager] - [ALE99102] - Page 2

Note: This document is subject to change. Please refer to the on-line document for the most current job description information.

Ex. T, p. 4

- Orders department supplies
- Responds to verbal Customer comments/complaints/requests
- Ensures daily and weekly time and attendance functions are completed
- Identifies and takes appropriate action on maintenance/repair needs
- Completes Customer incident and employee incident/accident report forms, when necessary
- Ensures compliance to all safety guidelines and standards
- Ensures compliance to the quality ordering functions/RMS updates
- Audits salvage procedures
- Audits and follows up on written distribution center returns, weekly WDCR recaps, and Returns to Suppliers
- Reviews on-line sales information and takes appropriate action
- Assists in the inventory process
- Audits the vendor logs
- Ensures compliance to shipping/receiving procedures, including auditing the Shipping/Receiving Log)
- Approves Intersection Transfers
- Ensures compliance with the shrink control guidelines
- Promotes employee participation in the Fred Meyer Incentive Award Program

Supervisory Responsibilities

Assumes supervisory responsibilities when manager is not present.

Qualifications

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required.

Education and/or Experience: BA/BS in business or related field plus a minimum of 6 months Fred Meyer experience and 2-3 years related retail experience; or equivalent combination of education and experience.

Language Skills: Ability to read and interpret documents such as safety rules, operating and maintenance instructions, and procedure manuals. Ability to write routine reports and correspondence. Ability to speak effectively before groups of Customers or employees of organization. Ability to read, write, and speak English fluently.

Mathematical Skills: Ability to calculate figures and amounts such as discounts, interest, commissions, proportions, percentages, area, circumference, and volume. Ability to apply concepts of basic algebra and geometry.

[ALE Assistant Manager] - [ALE99102] - Page 3

Note: This document is subject to change. Please refer to the on-line document for the most current job description information.

Ex. T, p. 5

Reasoning Ability: Ability to apply common-sense understanding to carry out instructions furnished in written, oral, or diagram form. Ability to deal with problems involving several concrete variables in standardized situations.

Other Skills, Abilities and/or Training:

Required:

- Minimum 18 years of age
- Commitment to providing Customer service that makes both internal and external Customers feel welcome, important, and appreciated
- Ability and willingness to move with purpose and a strong sense of urgency
- Ability to work weekends on a regular basis
- Ability to work nights on a regular basis
- Ability to travel on an occasional basis
- Ability to preserve confidentiality of information
- Accuracy and attention to detail
- Ability to organize and prioritize a variety of tasks/projects
- Familiarity with industry/technical terms and processes
- Ability to work within set time frames and fixed deadlines
- Ability and willingness to continue education, as necessary
- Completion of the department's required and optional PEP modules

Helpful:

- Knowledge of Fred Meyer policies, procedures, and organizational structure
- Management experience
- Proficiency with Microsoft Excel, RMDS, and OfficeVision
- Experience directing and participating on project teams
- Working knowledge of alarms, sprinklers, and printers
- Completion of the following classes:
 - Excellence in Supervision, PIC Controller, Bloodborne Pathogens, Hazardous Spill Response, First Aid/CPR, POS, and the overview classes for: PIC, CID/LAY, Time & Attendance, File Maintenance, RMA Coordinator, Price Changer

Certificates, Licenses, Registrations

- Valid driver's license
- CPR/first aid certification

Physical Demands

[ALE Assistant Manager] - [ALE99102] - Page 4

Note: This document is subject to change. Please refer to the on-line document for the most current job description information.

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. While performing the duties of this job, the employee is-

regularly required to do the following activities:

- walk up to 6 hours without a break; up to 12 hours per day
- talk and hear
- use hands to finger, handle, and/or feel objects, tools, or controls
- lift up to 10 pounds up to 3' and carry for a distance of 500'
- push up to 100 pounds for a distance of 3'
- pull up to 100 pounds for a distance of 3'

frequently required to do the following activities:

- dynamically stand up to 4 hours without a break; up to 12 hours per day
- reach up and out with hands and arms
- lift up to 50 pounds up to 4' and carry for a distance of 500'

occasionally required to do the following activities:

- sit up to 2 hours without a break; up to 8 hours per day
- climb stairs and/or ladders
- balance
- twist upper torso
- stoop, kneel, crouch and/or crawl
- lift up to 50 pounds up to 5' and carry for a distance of 50'
- push up to 50 pounds for a distance of 500'
- pull up to 50 pounds for a distance of 500'

rarely required to do the following activities:

- lift more than 100 pounds up to 3' and carry for a distance of 3'
- push more than 100 pounds for a distance of 500'
- pull more than 100 pounds for a distance of 500'

Specific vision abilities required for this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

Work Environment

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. While performing the duties of this job, the employee is-

regularly exposed to work in the following conditions:

[ALE Assistant Manager] - [ALE99102] - Page 5

Note: This document is subject to change. Please refer to the on-line document for the most current job description information.

Ex. T, p. 7

- indoors

occasionally exposed to work in the following conditions:

- outdoor weather conditions

rarely exposed to work in the following conditions:

- work near moving mechanical parts
- work in high, precarious places
- fumes or airborne particles
- risk of electrical shock
- slippery surfaces
- vibration
- confined spaces

While performing the duties of this job, the noise level in the work environment is usually moderate.

Comments

For further information and/or questions, please contact Human Resources.

[ALE Assistant Manager] - [ALE99102] - Page 6

Note: This document is subject to change. Please refer to the on-line document for the most current job description information.

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FredMeyer

1.12 Transfer, Interview, Selection Process

(04/01)

Statement

Fred Meyer recognizes the value of its employees and is committed to providing them meaningful career development opportunities. A vital element of career development is advancement. Advancement means either promotion to a position having increased responsibility and position level, or lateral transfer for career development purposes. In order to maximize advancement opportunities for employees, Fred Meyer will do the following:

- ✦ Emphasize the discussion of career interests during employee performance reviews.
- ✦ To the extent practical, maintain sufficient employee information to identify job candidates throughout the Company.
- ✦ Support the principle of selection-from-within, hiring from outside the Company only when there are no qualified candidates internally or when there is a specific Company need to hire.

Scope

This policy applies to all Fred Meyer Stores employees.

Effective date

This policy is effective immediately and supersedes any previous policies.

Policy owner

Route all policy questions and suggested updates to the Senior Vice President of Store Operations and Group Vice President of Human Resources.

Violation of this policy

Employees who willfully or deliberately violate this policy will be subject to disciplinary action up to and including termination.

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Fred Meyer

Advancement criteria

Candidates for advancement will be determined by evaluation of performance, potential, career interests, experience, relevant knowledge and work skill and career development needs. Equal consideration will be given to qualified candidates both within and outside the division filling a job vacancy. Job vacancies will be filled by the best qualified candidates.

Advancement guidelines

Advancement to a new position before an employee has mastered the responsibilities of the present position and contributed to the operation and continuity of the present department is not normally desirable. Recognizing that the length of time necessary to meet this general requirement may vary with the employee or the nature of the job, the following have been established as advancement availability guidelines:

- ✦ A position must be available.
- ✦ Employees who have served less than six (6) months in their present positions are not available for advancement, unless there is a compelling Company interest for availability and current or previous work experience, education or position.
- ✦ Employees who have served more than six (6) months but less than one year in their present positions are available for advancement when the requesting party can show a dominant Company interest for availability.
- ✦ Employees who have served more than one year in their present positions are available for advancement, except where the compelling interest of the department or division to retain the employee is also in the best interests of the Company and the individual.
- ✦ Employees must have an overall rating of average or above on their most recent performance review.
- ✦ Employees must not have committed a disciplinary violation during the previous six months.
- ✦ Employees must fully meet the job qualifications, as outlined in the job description.

200096

EX. T₁ p.10

Paul H. Grant
Attorney at Law

217 Second Street, Suite 204/Juneau, Alaska 99801
Telephone: (907) 586-2701/Fax: (907) 586-8059
E-Mail: paulgrant@gcl.net

May 14, 2002

Mr. Fred Sayre
Director, Fred Meyer
8181 Old Glacier Highway
Juneau, Alaska 999801

Re: Myrna Johnson

Dear Mr. Sayre:

I represent Myrna Johnson in her wrongful termination claim against Fred Meyer. As you know, Ms. Johnson was a ten-year employee of Fred Meyer who had steadily advanced to the position of Lead Assistant Manager. She was an exemplary employee who was often held up by management as a role model for other Fred Meyer employees. Her evaluations consistently rated her as "exceeding expectations", and she routinely received merit pay increases. She was awarded Certificates of Merit for excellent customer service, most recently in December of 2001. Ms. Johnson was terminated by her immediate supervisor, Jaime San Miguel.

You may not know some of the pertinent background, however. Ms. Johnson went on an approved six-week family leave to take care of her daughter. While she was gone, Mr. San Miguel made a decision that he would replace Myrna with a temporary employee who had come down from the Wasilla store, Johna Harvard. When she returned to work, Ms. Johnson was saddled with impossible work requirements - - in other words, Mr. San Miguel set her up to fail so that he could replace her with Ms. Harvard. We have interviewed witnesses who will testify to the following facts:

- Several witnesses will testify concerning the campaign to set Ms. Johnson up for termination. She was written up for not doing recovery work that still has not been completed. No one else has been disciplined

Ex. U, p. 1

Exhibit 42 Date 1/27/06
Witness Fred Sayre
Lynda Batchelor Barker, RDR
3 pages

for failing to complete the work. As part of Mr. San Miguel's efforts to paper Myrna's file, he created "make-work" so that she was faced with an impossible workload. This included having her put up numerous displays that were immediately taken down after she was terminated. He then marked the displays down very cheap just to get rid of the merchandise, rather than recovering it or otherwise properly displaying it. Furthermore, the recovery procedures that he ordered Myrna to perform are totally different from normal ones. We have photographic evidence of these facts.

- Witnesses will testify that during the shift Myrna was disciplined for, Mr. San Miguel intentionally left her department badly understaffed, ensuring that she could not complete her work. During this shift, he took Ms. Harvard and other department employees on a three-hour dinner frolic.
- A witness will testify that Johna Harvard stated that Jaime San Miguel offered her Myrna's position two weeks before she returned from her family leave. In other words, Ms. Johnson's rights under the Family and Medical Leave Act were violated since it is illegal to replace an employee who has been approved for FMLA leave.
- A witness will testify that Mr. San Miguel stated that he wanted to hire a young and beautiful female to replace Myrna. It was common knowledge around the workplace while Myrna was on family leave that she should "watch her back" because Mr. San Miguel was after her job for Ms. Harvard.
- A witness who conducted an inspection will testify that the work for which Myrna was written up had in fact been done properly to Fred Meyer standards. Mr. San Miguel was obviously papering Ms. Johnson's file with unjustified reprimands in the hope that he could terminate her, allowing him to give the job to Ms. Harvard.
- Another witness heard Mr. San Miguel say that he was going to create a situation that would allow him to replace Myrna with a younger, more attractive woman, specifically Johna Harvard.

We are aware that numerous Fred Meyer employees are outraged at what was done to Myrna. In fact, many employees wanted to stage a one-day strike in protest; my client talked them out of doing that. We also know that when the store's operations manager expressed his outrage, you immediately ordered

Ex. U, p. 2

that the situation not be discussed any further, and stated that the case is "over".

I want to assure you that it is far from "over". What Mr. San Miguel did to a fine, hard-working employee is contemptible. Mr. San Miguel's action in replacing her with a younger, more attractive female constitutes sex and gender discrimination. The actions taken against Myrna were done by an all-white club, of which Myrna is not a member (she is Filipina). Fred Meyer has violated Ms. Johnson's rights under the Family and Medical Leave Act; breached her contract of employment; discriminated against her on the basis of age, gender and race. Hopefully these were only the actions of a rogue supervisor who let his hormones get the best of him. If so, it is a situation that you are obligated (and able) to correct immediately.

I have reviewed the Fred Meyer Employee Handbook. I was particularly encouraged to see, in Chapter 7, *Rules We Live By*, that Fred Meyer forcefully promises to protect employees from the kinds of discriminatory conduct that Mr. San Miguel visited upon my client. I encourage you to live by the noble sentiments expressed in the handbook. If the company condones Mr. San Miguel's actions, it would be a clear violation of Ms. Johnson's rights as expressed officially by the company. If that turns out to be the case, you can expect further legal action.

Ms. Johnson insists on immediate reinstatement to her former position, full back pay and benefits, and protection from any future acts of discrimination or harassment by Mr. San Miguel. I expect Fred Meyer's affirmative response to these demands within ten days. Please call if I can answer any questions.

Sincerely,



Paul H. Grant

Cc: Myrna Johnson
Mary Lucas
Fred Meyer Human Resource Manager
Puget Sound Regional Office
14300 1st Ave. South
Seattle, Washington 98168

EX. U. P. 3

STATE OF ALASKA

HUMAN RIGHTS COMMISSION

TONY KNOWLES, GOVERNOR

800 A STREET, SUITE 204
ANCHORAGE, ALASKA 99501-3669
PHONE: (907) 274-4692 / 276-7474
TTY/TDD: (907) 276-3177
FAX: (907) 278-8588

June 28, 2002

REC'D
MO - EAR
JUL 01 2002

Myrna I. Johnson
1662 Second Street
Douglas, AK 99824

Yvonne Ippolito, Administrator
Employee Relations
Fred Meyer, Inc.
P.O. Box 42121
Portland, OR 97242

Re: **Myrna I. Johnson v. Fred Meyer**
ASCHR No. C-02-132

Dear Complainant and Respondent:

Attached is a **First Amended Complaint** for the referenced case. The original complaint has already been served on you. The complaint was amended to delete the legal citation to Title VII of the Civil Rights Act of 1964 as amended.

Please call me if you have any questions regarding this matter.

Sincerely,



Evelyn A. Ramos
Director of Investigations

EAR/cb

Enclosure: First Amended Complaint

Ex. V, p. 1

200076

ALASKA STATE COMMISSION FOR HUMAN RIGHTS

COMPLAINT OF DISCRIMINATION**ASCHR NO. C-02-132****COMPLAINANT: Myrna I. Johnson**ADDRESS: 1662 2nd St, Douglas, AK 99824

TELEPHONE: (907) 364-3950

RESPONDENT: Fred Meyer

ADDRESS: 8181 Old Glacier Hwy, Juneau, AK 99801

TELEPHONE: (907) 789-6500

I would also like this complaint filed with EEOC

DATE OF MOST RECENT OR CONTINUING DISCRIMINATION: 3/18/02**RESPONDENT EMPLOYS: 15 or more****First Amended Complaint**

I had worked for respondent since December 2, 1992. After I took a leave of absence to care for my daughter under the Family and Medical Leave Act from February 13 – March 11, 2002, my manager subjected me to different terms and conditions of employment than my co-workers. On March 18, 2002, I was forced to resign from my position.

I allege that respondent has discriminated against me on the basis of my parenthood and age, 49, in violation of AS 18.80.220 and the Age Discrimination in Employment Act of 1967, as amended, for the following reasons:

1. My manager told me that the work related problems in our department were due to my family problems.
2. When I told my manager that I might need more time off to care for my daughter, he began to scrutinize and find continual fault with my work as compared with other employees.
3. I was disciplined for having bad recoveries; other employees with bad recoveries were not disciplined.
4. Upon returning from leave, I discovered that my work schedule was changed from day shift to night shift and a younger employee was given my schedule even though I was the lead assistant
5. My manager told my co-workers that he should replace me with someone "young and beautiful."



I pledge to inform the Human Rights Commission and any other agency listed above of any change in my address or telephone number and will cooperate fully with them in the proceeding of this complaint.

I swear or affirm that I have read the above complaint and that it is true to the best of my knowledge, information and belief:

Myrna Johnson

SIGNATURE OF COMPLAINANT

DATE

Subscribed and sworn to me this 25th day of June
2002 at Juneau Alaska

[Signature]
SIGNATURE OF NOTARY PUBLIC or POSTMASTER

My commission expires APR 26 2006

If no notary public is available, please certify below:

A notary public or other official empowered to administer oaths is not available. Therefore, I swear and certify under penalty of perjury that the above complaint is true to the best of my knowledge, information and belief

SIGNATURE OF COMPLAINANT

DATE

PLACE (City, Town, or Village and State)

Ex. W, p. 1

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